

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

THE DIOCESE OF ROCHESTER,

Case No. 19-20905
Chapter 11 Case

Debtor.

THE CONTINENTAL INSURANCE
COMPANY, successor by merger to Commercial
Insurance Company of Newark, and Fireman's
Insurance Company of Newark, New Jersey

Adv. Proc. No.: 23-02014

Plaintiff,

v.

THE DIOCESE OF ROCHESTER,

Defendant.

**NOTICE OF THE DIOCESE OF ROCHESTER MOTION TO
DISMISS ADVERSARY COMPLAINT PURSUANT TO RULE 7012
OF THE FEDERAL RULE OF BANKRUPTCY PROCEDURE AND
RULE 12(B)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

PLEASE TAKE NOTICE, that The Diocese of Rochester, the above-captioned debtor and debtor in possession (the “Diocese”), by and through its undersigned counsel, shall move (the “Motion”) this Court, before the Honorable Paul R. Warren, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Western District of New York, United States Courthouse, 100 State Street, Rochester, New York 14614 on **January 30, 2024 at 11:00 a.m.** (the “Hearing”), or as soon thereafter as counsel may be heard, for an Order pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure and Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint in its entirety, together with any other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that in support of the Motion, the Diocese shall rely on the *Memorandum of Law in Support of (i) the Diocese of Rochester's Motion to Dismiss the Adversary Complaint of the Continental Insurance Company; and (ii) The Diocese of Rochester's Objection to the Application of the Continental Insurance Company for Allowance and Payment of Alleged Administrative Expense Priority Claims* filed concurrently with this Notice.

PLEASE TAKE FURTHER NOTICE, that responses in opposition to the relief requested in the Motion, if any, must be electronically filed with the Court must be electronically filed with the Court and served upon (i) counsel for the Diocese, Bond, Schoeneck & King, PLLC,

One Lincoln Center, Syracuse, New York 13202 (Attn: Stephen A. Donato, Charles J. Sullivan, and Grayson T. Walter); (ii) the Office of the United States Trustee, Federal Office Building, 100 State Street, Rochester, New York 14614 (Attn: Kathleen D. Schmitt); (iii) counsel for Continental at Barclay Damon LLP (Attn: Jeffrey A. Dove, Esq.), Barclay Damon Tower, 125 East Jefferson Street, Syracuse, New York 13202; Crowell & Moring LLP (Attn: Mark D. Plevin, Esq.), Three Embarcadero Center, 26th Floor, San Francisco, California 94111; David Christian Attorneys LLC (Attn: David C. Christian II, Esq.), 105 West Madison Street, Suite 1400, Chicago, Illinois 60602; and Crowell & Moring LLP (Attn: Miranda H. Turner, Esq.), 1001 Pennsylvania Avenue, N.W., Washington, D.C. 20004. (iv) counsel for the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones, LLP, 780 Third Avenue, 34th Floor, New York, New York 10017 (Attn: Ilan D. Scharf) **no later than January 16, 2024.**

PLEASE TAKE FURTHER NOTICE, that a copy of the Motion may be obtained from the Clerk's Office, United States Bankruptcy Court for the Western District of New York, Rochester Division, via the Court's electronic case management system at <https://ecf.nywb.uscourts.gov>, by visiting <https://case.stretto.com/rochesterdiocese/docket>, by calling 855.347.3773, or by written request to the Diocese's undersigned counsel.

Dated: December 22, 2023
Syracuse, New York

BOND, SCHOENECK & KING, PLLC

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